



**REPUBLIC OF KENYA**

**High Court at Meru**

**Criminal Case 59 of 2009**

**REPUBLIC.....PROS**

**VERSUS**

**DUNCAN MUCHUI KIRIIRI.....ACCUSED**

**R U L I N G**

The accused DUNCAN MUCHUI KIRIIRI, is charged with an offence of murder contrary to Section 203 as read with Section 204 of the Penal Code.

The particulars of the offence are that on 6<sup>th</sup> day of June, 2009, at Amugaa sub-location, Gitumbi location, Igembe District within Eastern Province murdered M'totaru M'Raruki Thirari.

The prosecution called 7 witnesses who testified in support of the prosecution case. That after close of the prosecution case Mr. Carlpeters Mbaabu, learned Advocate for the accused and Mr. Jackson Motende the learned State Counsel for the Prosecution were invited to make their submissions under Section 306 of the Criminal Procedure Code.

I have carefully considered the evidence of the seven(7) prosecution witnesses. I have also considered the written submissions by both the prosecution and defence counsel and authorities submitted in support of their respective opposing positions.

Having considered the evidence by seven(7) prosecution witnesses, I am satisfied that the evidence on record is sufficient to establish a prima facie case against the accused.

The accused is therefore put on his defence under Section 306(2) of the Criminal Procedure Code

DATED, SIGNED AND DELIVERED AT MERU THIS 7<sup>TH</sup> DAY OF MARCH, 2013.

**J. A. MAKAU  
JUDGE**

Delivered in open court in the presence of:

1. MR. Jackson Motende for State
2. Miss Waithaka for accused.

**J. A. MAKAU  
JUDGE**